IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Civil Revision No. 45 of 2005

Gopal Singh S/o Late Sri Bachhi Singh
R/o Village Ruyena Patwari Area Kotli
Tehsil & District Pithoragarh ...Revisionist

Vs

1. Civil Judge (Junior Division), Pithoragarh
2. Pushkar Singh
3. Janak Singh
4. Bhupendra Singh All S/o Umed Singh
   All R/o Village Ruyena
   Patwari Area Kotli
   Tehsil & District Pithoragarh ...Respondents

Sri B.S. Adhikari, learned counsel for the revisionist

Hon'ble B.C. Kandpal, J.

This revision under Section 115 of the C.P.C. has been filed by the plaintiff/revisionist against the judgment and order dated 24.06.2005 passed by Civil Judge (Junior Division), Pithoragarh in Civil Suit No. 19 of 2001 Gopal Singh Vs Pushkar Singh & others.

2. Brief facts of the case are that the plaintiff/revisionist has filed a suit for injunction against the defendant/respondents No. 2 to 4. The pleadings were exchanged and thereafter the necessary issued were framed by the trial court.

3. The trial court framed issue No. 4 as follows whether the suit is bad on account of non joinder of necessary parties?

4. The trial court after hearing learned counsel for the parties and having perused the material available on record, observed that Ishwari Singh being real brother of the revisionist is a necessary party to the suit. The trial court

accordingly directed that Ishwari Singh be arrayed as a party in the suit.

5. Feeling aggrieved by the impugned order dated 24.06.2006, the plaintiff/revisionist has preferred the revision before this Court.

6. Heard Sri B.S. Adhikari, learned counsel for the revisionist and perused the record.

7. The trial court has recorded specific finding that Ishwari Singh is the real brother of the plaintiff/revisionist and the house of Ishwari Singh is also in existence over the plot in question.

8. Under the aforesaid circumstance, I am of the view that the trial court has rightly observed that Ishwari Singh being necessary person in the suit be arrayed as a party.

9. I do not find any illegality, impropriety, incorrectness in the impugned order passed by the court below by which the issue No. 4 has been decided.

10. The revision lacks merit and is liable to be dismissed.

11. Accordingly, the revision is dismissed in-limine. The stay order, if any, stands vacated.

12. However, the trial court is directed to expedite the suit without any unreasonable delay.

(B.C. Kandpal, J.)

31.10.2006
ASWAL